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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,799	03/12/2004	Robert P. Cassoni	527.1003DIV	8292

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,799

Applicant(s)


CASSONI, ROBERT P.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities: paragraph [0001] line 1, after the patent application numeral 10/159634, the current status of application should be inserted; such as --; now U.S. patent 6,705,624 issued March 16, 2004--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Haugen '817.

Haugen shows a mountable actuating device for a motorized vehicle (figure 1) comprising a first and second hitching device movable with respect to a frame (figure 2), wherein independently controllable first and second actuators are connected to the frame for moving the first hitching device between a first and second position and moving the second hitching device between a third and fourth position as broadly claimed (column 2, line 21-35).

5. Claims 1 – 3, 5 – 9 and 11 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Casady '746.

Casady shows a mountable actuating device for a motorized vehicle comprising a first and second hitching device movable with respect to a frame having a detachable golf club carrier attached to one of the hitches (figure 1 and 2), wherein independently controllable first and second actuators 37, 38 are connected to a frame for moving the first hitching device between a first and second position and moving the second hitching device between a third and fourth position (figure 4), wherein the actuating device shows an attachment device for retrofitting to a golf cart bag bay of an inherent motorized golf car (figure 1) and includes two bracket assemblies 25, 26 for connecting to bag holder frames as broadly claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casady '746 as applied to claim 1 and 7 above, in view of Bruno '107.

Casady shows a mountable actuating device having a first and second hitching device movable with respect to a frame independently controllable by first and second actuators 37, 38 which are connected to a frame for moving the first and second hitching devices between a first and second position and a third and fourth position as broadly claimed but failed to disclose the actuators being linear motorized actuators.

Bruno shows a mountable actuating device (figure 1) having a hitching device 500 movable with respect to a frame that is controlled by an actuator 702 connected to a frame for moving the hitching device between a first and second position that incorporates a linear motorized actuator as claimed that is further powered by an inherent rechargeable battery 65 (figure 1, 5 and 15, column 7, line 19 - 32 and column 8, line 50 - 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mountable actuating device of Casady golf car with simple replacement actuators that utilize known linear motorized actuators as suggested by Bruno as replacement actuators in order more easily raise and lower the hitching device and to further enhance the actuating devices of Casady by utilizing a more controllable actuator such as motorized linear actuator as taught by Bruno to better control the position of hitching device with respect to the frame.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yilit '825, Gerzanich '059, McKinney '840, Brown et al '158 and Couser '367 show a first and second hitching device movable with respect to a frame having independent first and second actuators connected to the frame moving the first and second hitching devices between a first and second position and a third and fourth position.

Vaughn et al '308 and Hampton '882 show a first and second hitching device movable with respect to a frame independently controllable.

Howes '197 and Hokaku '954 shows a hitching device movable with respect to a frame having an actuator connected to the frame for moving the hitching device between a first and second position.

Arsenault '968 shows a motorized golf car having golf club carriers hitched to a golf cart bag bay.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


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